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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TESLOVICH, TAMARA	
ART UNIT	PAPER NUMBER
2437	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/088,148	IKEDA, KIYOKAZU	
	Examiner	Art Unit	
	Tamara Teslovich	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 February 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5 and 9-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5 and 9-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 1, 2010 has been entered.

Claims 3-4 and 6-8 remain cancelled.

Claims 1-2, 5, 9 and 17 are amended.

Claim 18 is newly added.

Claims 1-2, 5, and 9-18 are pending and herein considered.

Response to Arguments

Applicant's arguments, filed February 1, 2010, with respect to the 35 U.S.C. 103(a) rejection(s) of claim(s) 1-2, 5, and 9-17 as being unpatentable over United States Patent No. 6,856,820 B1 to Kolls and further in view of United States Patent No. 5,375,059 to Kyrtsos et al have been fully considered but are not persuasive.

The Examiner respectfully disagrees with Applicant's remarks concerning Kolls and Krytsos' failure to teach or suggest the newly amended features of claim 1. Applicant has amended each of his independent claims to disclose wherein "said service information indicates update data for map information is available for the

specified electronic appliance" and "wherein the transmission means transmits to the specified electronic appliance the update data for the map information responsive to a request for the update data for the map information transmitted over the communication network by the specified electronic appliance" or an equivalent thereof. In response to Applicant's remarks and amendments the Examiner has re-examined both the Kolls and Krytsos references and would like to bring to Applicant's attention the following passages.

Within the Kolls reference, the Examiner would like to begin by drawing attention to column 3, lines 46 thru 59 wherein Kolls discloses an in-vehicle device for "remotely monitoring vehicle performance", "data communicating Internet based content" and for "controlling vehicle operation." It is through the use of vehicle telemetry data including but not limited to GPS data that the system is able to perform each of its disclosed uses. Furthermore, the ability of the in-vehicle device to wirelessly communicate with Internet based data processing resources and to other data processing resources allows for the exchange of telemetry information, vehicle metrics and other data to facilitate vehicle services (col.20 lines 60-68). Kolls goes on to disclose a list of GPS receivers commercially available, including but not limited to GARMIN, MAGELLAN, LOWRANCE and other similar receiver models and brands (col.32 lines 49-67). In column 34, lines 20-34, Kolls goes on to disclose the ways in which data may be communicated between the in-vehicle device and internet based servers or internet appliances. This information communicated includes but is not limited to user preferences, and other user metrics used by the system. In addition data communications between the in-vehicle device

and an Internet based server allows both the server and the in-vehicle device to be programmed, or update other elements within a plurality of databases. In column 40, lines 13-25 Kolls further describes data communications between an in-vehicle device, a COM device, a second in-vehicle device, an internet appliance, and an internet based server operating an internet based notification routine. These data communications can be in the form of a transaction or request. These requests include requests for internet based notification routines to obtain data, chance settings, upload and download data, and data communicate with other processing resources. The uploading and downloading of data may be in response to user selection or based in part on user preferences or server settings (col.40 lines 54-58). In a particular embodiment, Kolls also provides for a system in which an Internet server can independently and without user intervention initiate delivery of online data (col.40 lines 65-67). Further details regarding the downloading of GPS data may be found in columns 43-44 wherein Kolls provides for the selection of digital information content based upon user preferences, server settings, and GPS location information. This digital information content can be selected by querying a database of coupons, maps, service information and traffic condition databases and promptly communicated to the in-vehicle device for viewing and interaction by the occupants of the vehicle. Applicant is directed to lines 32-39 of column 44 wherein Kolls provides for electronic maps and road hazard warnings to be communicated to an in-vehicle device in order to inform the occupant of a vehicle of impending road conditions and allow for the determination of alternative routes and traffic avoidance. This "update" to a user's GPS map and traffic information is

transmitted to a user automatically and in response to the transmission of a user's current location from the in-vehicle device to the internet server whereby a database of maps and traffic information may be queried for applicable digital information content. It is in view of the above mentioned portions in view of the Kolls reference in its entirety that the Examiner respectfully disagrees with Applicant's characterization of the prior art references as failing to disclose Applicant's claims.

Applicant's remarks concerning claims 2, 5, 9, 17 and newly added claim 18 are dependent upon those provided above with respect to claim 1. The Examiner respectfully maintains her rejection of each of these claims for the reasons presented above with respect to claim 1. Dependent claims 10-16 remain rejected for those reasons presented below and due to their dependent on rejected independent claims 1, 2, 5, 9, 17 and 18.

It is in view of the remarks presented above and the references in their entirety that the Examiner maintains her rejection of the claims in their entirety, amended below to reflect Applicant's amendments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-2, 5, and 9-18 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,856,820 B1 to Kolls.

Regarding **claim 1**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), including, at least, a plurality of electronic appliances, a service server (Internet based server), a communication network, and an authentication server being connected to the communication network; each electronic appliance (in-vehicle device) being equipped with a wireless communication terminal function, being mounted in a moving body, and being assigned a unique device ID, and the service server (Internet based server) having a function for providing a predetermined service and storing said unique device ID for each electronic appliance to which service can be provided, the service providing system comprising; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access a respective electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; registration means for registering said unique device ID assigned to said each electronic appliance and transmission means for using said unique device ID to provide access to a specified service, via communication network, from the service server (Internet based server) to a specified electronic appliance and transmitting service information, which has a predetermined content for realizing the specified service, to the specified electronic appliance, in which the communication terminal apparatus and the service server can access the electronic appliance only through the authentication server (col.3

line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which said service information indicates update data for map information is available for the specified electronic appliance, and wherein the transmission means transmits to the specified electronic appliance the update data for the map information responsive to a request for the update data for the map information transmitted over the communication network by the specified electronic appliance (col.20 lines 60-68; col.32 lines 49-67; col. 34, lines 20-34; col. 40, lines 13-25, 54-58, 65-67; col. 44 lines 32-39).

Regarding **claim 2**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), including, at least, a plurality of electronic appliances, a service server (Internet based server), a communication network, and an authentication server being connected to the communication network; each electronic appliance (in-vehicle device) being equipped with a wireless communication terminal function, being mounted in a moving body , and being assigned a unique device ID, and the service server (Internet based server) having a function for providing a predetermined service and storing said unique device ID for each electronic appliance to which service can be provided, the service providing system comprising; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access a respective electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; first transmission means for providing access, via said communication network, from one of said electronic appliances to said service server (Internet based server) and transmitting

information which has a predetermined content that can be used by a specified service from said one of said electronic appliances to said service server (Internet based server); and second transmission means for using said unique device ID to provide access to a specified service, via said communication network, from said service server (Internet based server) to a specified electronic appliance and transmitting service information, which has a predetermined content for realizing the specified service, to the specified electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20); in which the communication terminal apparatus and the service server can access the electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), in which said service information indicates update data for map information is available for the specified electronic appliance, and wherein the second transmission means transmits to the specified electronic appliance the update data for the map information responsive to a request for the update data for the map information transmitted over the communication network by the specified electronic appliance (col.20 lines 60-68; col.32 lines 49-67; col. 34, lines 20-34; col. 40, lines 13-25, 54-58, 65-67; col. 44 lines 32-39).

Regarding **claim 5**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), composed of an electronic appliance, a communication network, a communication terminal apparatus, and an authentication server, the electronic appliance (in-vehicle device) being one of an electronic appliance that mounted in a moving body and is equipped with a mobile communication terminal function and a

mobile communication terminal apparatus (global appliance/internet appliance)with a fixed access path to the communication network and the authentication server being connected to said communication network, the service providing system comprising; access means that enables the communication terminal apparatus (global appliance/internet appliance) to access the electronic appliance via the communication network using a device ID store in a service server that has been assigned uniquely to the electronic appliance, the communication terminal apparatus accessing the electronic appliance only through the authentication server; terminal ID generating means , provided on said communication network, for generating a terminal ID for said communication terminal apparatus using information that identifies said fixed access path by which said communication terminal apparatus accesses said communication network; registration means for registering said unique device ID assigned to each electronic appliance and authentication process means provided in said authentication server, for using said terminal ID to perform an authentication process for said communication terminal apparatus that has accessed the authentication server and allowing said communication terminal apparatus to access said electronic appliance only when the communication terminal apparatus has been authenticated; and transmission/reception means for receiving and transmitting service information, which has a predetermined content for realizing a specified service, between said communication terminal apparatus that has been authenticated by said authentication process means and said electronic appliance (uniquely identify and transfer information), in which the service server can access the electronic appliance only

through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), in which said service information indicates update data for map information is available for the electronic appliance, and wherein the transmission/reception means transmits to the electronic appliance update data for the map information responsive to a request for the update data for the map information transmitted over the communication network by the electronic appliance (col.20 lines 60-68; col.32 lines 49-67; col. 34, lines 20-34; col. 40, lines 13-25, 54-58, 65-67; col. 44 lines 32-39).

Regarding **claim 9**, Kolls discloses a communication apparatus (col.2 lines 5-65) for controlling communication between a plurality of electronic appliances, each electronic appliance being connected to a network, being provided with a unique device ID for identifying the electronic appliance, and being capable of transmission, the communication apparatus comprising communication means for communicating with another communication apparatus via said network; storage means for storing group information in which the plurality electronic appliances, which are permitted to communicate between themselves after the communication is authenticated, are registered as a group; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access the electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; registration means for registering said unique device ID assigned to each electronic appliance; a service server operable

to provide service information to one or more of the electronic appliances; and judgment means for judging, based on unique device IDs transmitted via the network before communication commences between said plurality electronic appliances and group information stored in said storage means, whether the communication is permitted; control means for having said communication means transmit a result judgment means to an exchange apparatus that is connected to said network and performs an exchange process for communication between electronic appliances based on the transmitted unique device IDs, in which the respective device and the service server can access the respective electronic appliance or appliances only through the authentication server (uniquely identify and transfer information) (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), in which said service information indicates update data for map information is available for the one or more of the electronic appliances, and wherein the service server provides to the one or more of the electronic appliances the update data for the map information responsive to a request for the update data for the map information transmitted over the network by the one or more of the electronic appliances (col.20 lines 60-68; col.32 lines 49-67; col. 34, lines 20-34; col. 40, lines 13-25, 54-58, 65-67; col. 44 lines 32-39).

Regarding **claim 10**, Kolls discloses wherein a wireless communication is performed between said electronic appliances and the exchange apparatus (col.3 line 45 thru col.4 line 20).

Regarding **claim 11**, Kolls discloses wherein said electronic appliances are navigation apparatuses (col.3 line 45 thru col.4 line 20).

Regarding **claim 12**, Kolls discloses wherein one or more of said electronic appliances are mobile telephones (col.3 line 45 thru col.4 line 20).

Regarding **claim 13**, Kolls discloses wherein each of said electronic appliances is connected to said communication means in said exchange apparatus, and when communicating, each of said electronic appliances transmits said unique device ID to said communication apparatus, said exchange apparatus transmits a communication means ID for specifying said communication means to said communication apparatus, said communication apparatus authenticates said electronic appliance based on said group information, by referring combination of said transmitted unique device ID and said transmitted communication means ID (col.1 lines 40-48, col.5 lines 42-63).

Regarding **claim 14**, Kolls discloses wherein the group information is generated when an electronic appliance communicates with the communication apparatus via the network (col.3 line 45 thru col.4 line 20).

Regarding **claim 15**, Kolls discloses wherein the group information also includes content data that can used by the electronic appliances which are registered in the group information (col.3 line 45 thru col.4 line 20).

Regarding **claim 16**, Kolls discloses wherein the content data is geographical information (col.3 line 45 thru col.4 line 20).

Regarding **claim 17**, Kolls discloses a service providing system operable within the Internet, said system comprising a navigation unit mountable in a vehicle and operable to provide navigational and positional information of the vehicle to an operator of the vehicle, said navigation unit being assigned a unique identification ID (col.32 line 49 through col.33. line 34); a service server operable to provide a predetermined service and to store said unique ID for said navigation unit to which service can be provided (col.34 lines 36-62; col.35 lines 1-15); a communication network connectable to the Internet (col.34 lines 19-43); an authentication server operable to determine if access to the navigation unit is permissible (col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23); and a communication terminal apparatus connectable to the navigation unit and the communication network and operable to enable information to be supplied to the navigation unit from the Internet by way of the communication network and to enable service information to be supplied to the navigation unit by use of said unique ID from the service server by way of the Internet and the communication network (col.34 lines 36-62; col.35 lines 1-15), in which the communication terminal apparatus and the service server can access the navigation unit only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which said service information indicates update data for

map information is available for the navigation unit, and wherein the service server supplies to the navigation unit update data for the map information responsive to a request for the update data for the map information transmitted over the communication network by the navigation unit (col.20 lines 60-68; col.32 lines 49-67; col. 34, lines 20-34; col. 40, lines 13-25, 54-58, 65-67; col. 44 lines 32-39).

Regarding **claim 18**, Kolls discloses a navigation device mountable in a vehicle and to which is assigned a unique identification, the navigation device comprising (col.3 lines 45-67): a wireless communication terminal operable to transmit and receive information over a communication network (col.3 line 45 thru col.4 line 20); and a control unit including a processor , wherein the processor is operable to use service information received at the wireless communication terminal from a service providing system to realize at the navigation device a predetermine service provided by the service providing system (col.3 line 45 thru col.4 line 20), wherein the service providing system has functions for providing the predetermined service and storing the unique identification for the navigation device to which service can be provided, for allowing access to the navigation device only when the navigation device has been authenticated, for registering the unique identification assigned to the navigation device, for using said unique identification to provide access to a specified service (global appliance/internet appliance), via the communication network, from the service providing system to the navigation device and for transmitting specified service information which has a predetermined content for realizing the specified service, to the

navigation device (uniquely identify and transfer information) (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), wherein said specified service information indicates update data for map information is available for the navigation device, and wherein the update data for the map information is transmitted from the service providing system over the communication network to the navigation device responsive to a request for the update data for the map information transmitted from the wireless communication terminal over the communication (col.20 lines 60-68; col.32 lines 49-67; col. 34, lines 20-34; col. 40, lines 13-25, 54-58, 65-67; col. 44 lines 32-39).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/

Examiner, Art Unit 2437

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437